

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 611 of 1993

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?  
1 to 5 : NO

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ABDUL SATTAR R MEMON

Versus

DEPUTY CONSERVATOR OF FOREST  
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Appearance:

MR VP THAKKER for Petitioner

MR SR DIVETIA APP for Respondent Nos. 1 & 2  
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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 20/06/98

ORAL JUDGEMENT

Heard learned advocate Mr. Trimizi for the petitioner and Mr. S.R Divetia, learned APP for the State.

2. This proceeding arises out of the forest offence committed by the petitioner for which Deputy Conservator of Forests under his order dated 18th July, 1992 ordered confiscation of the forest produce in question. Feeling

aggrieved, the petitioner preferred an appeal before the learned Sessions Judge, Kutch under Section 61-D of the Indian Forests Act, 1927. The said appeal was heard and dismissed by the learned Additional Sessions Judge on 4th March, 1993. Feeling aggrieved, the petitioner has preferred the present petition.

3. Mr. Trimizi has relied on the judgment of this Court in the matter of State of Gujarat v. Siddik Haji Ibrahim Patel, (1996 [1] GLR 798) and has submitted that under the relevant provisions of the Indian Forests Act, 1927, the learned Sessions Judge alone had the jurisdiction to hear and decide the matter preferred by the petitioner. He has, therefore, submitted that the impugned judgment and order passed by the learned Addl. Sessions Judge on 4th March, 1993 is passed without jurisdiction and be quashed and set-aside.

4. In view of the above judgment, the impugned judgment and order dated 4th March, 1993 passed by the learned Addl. Sessions Judge, Kutch in Criminal Appeal No. 45 of 1992 is quashed and set-aside. Appeal is remanded to learned Sessions Judge. The learned Sessions Judge shall hear and dispose of the appeal in accordance with law. This petition is allowed on the ground of jurisdiction only. Since the petition is allowed on this ground alone, rest of the contentions raised by Mr. Trimizi are not dealt with. Petition is allowed. Rule is made absolute with no order as to costs.

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Prakash\*